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MCRC-7000-2019

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 25th OF FEBRUARY, 2026MISC. CRIMINAL CASE No. 7000 of 2019*DINESH DIXIT**Versus**RAKESH SINGH BAGHEL AND OTHERS*

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Appearance:

Applicant Dinesh Dixit is present in person along with Shri Anant
Dixit - Advocate for the applicant.

Shri Yogesh Singh Baghel - Advocate for respondent no.1.
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ORDER

This petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed challenging the order dated 30.11.2018 passed in Criminal Revision No.21/2017 by the learned 3rd Additional Sessions Judge, Shahdol, affirming the order dated 09.03.2017 passed by the learned ACJM, Shahdol, whereby cognizance has been taken against the applicant for the offence punishable under Section 500 of the IPC.

2. The brief facts of the case are that the applicant is an Advocate and was the President of the District Bar Association, Shahdol. Respondent No. 1 is also an Advocate, and Respondent No. 2 was the District President of the Samajwadi Party at the relevant time. In the Municipal Election, both the applicant and respondent No.1 contested for the post of President; however, both lost the election. It is alleged that the applicant addressed a written



complaint dated 18.09.2012 to the Superintendent of Police, Shahdol, alleging that respondents No.1 and 2, by forging documents and making false declarations, obtained the election symbol “Cycle” and caused publication of news in a local newspaper, thereby committing offences punishable under Sections 420, 467, 468 and 471 of the IPC. The applicant also filed a private complaint before the competent Court, which was subsequently withdrawn under Section 257 of the Code of Criminal Procedure. Thereafter, respondents No.1 and 2 filed a complaint alleging commission of offences under Sections 182, 211, and 500 of the IPC. The learned ACJM, however, took cognizance only of the offence punishable under Section 500 of the IPC. The revision preferred by the applicant against the said order came to be dismissed.

3. Learned counsel for the applicant submits that the allegations were made on the basis of the material contained in the booklet of the State Election Commission and the provisions of the Madhya Pradesh Municipalities Act, 1961. The imputation was made in good faith concerning a public question relating to the election. The case is covered under the First and Third Exceptions to Section 499 IPC (imputation of truth for public good and expression of opinion on a public question). The courts below erred in treating the matter as one requiring evidence. He submits that both the Trial Court as well as the Revisional Court erred in law in not deciding the issue specifically raised by the applicant by observing that it is a matter of evidence, whereas the same forms the very basis for the constitution of the offence in light of Exceptions 1 and 3 to Section 499 of the Indian Penal



Code. He therefore prays that the petition be allowed. In support of his contention, learned counsel for the applicant has placed reliance on the decision of the Apex Court in the case of *Kishore Balkrishna Nand vs. State of Maharashtra & Anr. (2023 LiveLaw (SC) 602*.

4. Per contra, learned counsel for respondents submits that the applicant, after losing election, made false and defamatory allegations. No objection was raised during scrutiny of nomination. The complaint was publicized in newspaper, harming reputation of respondents. He further argued that withdrawal of earlier complaint indicates falsity of allegations. He prays for dismissal of petition. In support of his contention, learned counsel for the respondent has placed reliance on the decision of the this Court in the case of *Shivraj Singh Chouhan & Anr. vs. Vivek Krishna Tankha (M.Cr.C. No.12558/2024)*.

5. Before examining the rival submissions, it is apposite to note the essential ingredients of offence under Section 500 IPC (punishment for defamation), as defined under Section 499 IPC:-

1. Making or publishing any imputation concerning a person;
2. Such imputation must be by words spoken or written, or by signs or visible representation;
3. The imputation must be made with intention to harm, or with knowledge or reason to believe that it will harm the reputation of such person;
4. The imputation must, in the estimation of



others, lower the moral or intellectual character or reputation of that person.

6. In the present case, it is not in dispute that the applicant made written allegations against respondents alleging forgery and criminal conspiracy; a complaint was submitted to the police and thereafter a private complaint was filed; allegations were published in a local newspaper; and the complaint was subsequently withdrawn. Whether such allegations were true, made in good faith, or in public interest are matters falling within the exceptions to Section 499 IPC. It is well settled that the burden to establish applicability of any exception lies upon the accused and such determination ordinarily requires appreciation of evidence. The contention that the allegations are protected under First and Third Exceptions to Section 499 IPC involves examination of: whether the imputation was true; whether it was made for public good; whether it was expressed in good faith; and whether due care and caution was exercised. These are mixed questions of fact and law which cannot be conclusively adjudicated in proceedings under Section 482 Cr.P.C.

7. The material placed before the Magistrate prima facie discloses that imputations of forgery and criminal conspiracy were made against respondents and were communicated to third persons including publication in newspaper. At the stage of taking cognizance, the Court is required only to see whether prima facie ingredients of the offence are made out. Detailed appreciation of defence material is impermissible.

8. The learned ACJM, Shahdol has taken cognizance only under



Section 500 IPC after considering the complaint and statements under Sections 200 and 202 Cr.P.C. The revisional Court has affirmed the same. This Court finds no perversity or patent illegality warranting interference in inherent jurisdiction. It is trite that inherent powers under Section 482 Cr.P.C. are to be exercised sparingly and only when complaint does not disclose any offence on the face of record. In the present case, the allegations prima facie satisfy the ingredients of defamation. Whether the applicant is entitled to benefit of statutory exceptions is a matter to be decided during trial upon leading of evidence.

9. The applicant has stated that the earlier private complaint was withdrawn to avoid controversy in the legal fraternity. If so advised, it shall be open to the applicant to take recourse to appropriate remedy in accordance with law for revival or institution of appropriate proceedings, subject to limitation and other legal requirements.

10. Accordingly, the petition under Section 482 Cr.P.C. is dismissed. The impugned orders dated 09.03.2017 and 30.11.2018 are affirmed. However, liberty is reserved to the applicant to avail appropriate remedy in accordance with law regarding his earlier complaint, if permissible. No order as to costs.

(HIMANSHU JOSHI)
JUDGE